

**TOWN OF MARSHFIELD  
SPECIAL TOWN MEETING October 20, 2008**

Special Town Meeting was called to order at 7:30 PM on Monday, October 20, 2008 at Marshfield High School. All articles were voted on before town meeting was dissolved at 10:47PM. All articles were chosen via the lottery system and voted as follows: 15, 10, 2, 12, 5, 16, 17, 6, 8, 14, 4, 11, 13, 9, 7, 1, 3 and 18.

Town meeting workers included Charlotte, Keith, Kay Ramsey, Madelyn Radley, Narice Casper, Susan Flynn, Karen O'Donnell, Steve Barber and Barry Bartlett. Tellers were Jim Haddad, Jim Creed, Jack Cantwell, Barry Bartlett, Jean McDonald, Jack Braithwaite, Barry Cornwall, Reed Stewart, Otis Carney and Madeleine McDonald.

**ARTICLE 1** The Town **VOTED** to appropriate \$0.00 to fund the creation of a Facilities Manager position as outlined in the Town of Marshfield Charter Article 4 Section 4-1-2 Facilities Manager and to meet said appropriation raise and appropriate \$0 from the FY 09 tax levy for the purpose of providing a salary and expenses to support the position, which include a comprehensive Town Wide Building Study.

**ARTICLE 2** The Town **VOTED** to act upon the recommendation of the Community Preservation Committee for the fiscal year beginning July 1, 2008.

**\$727,363 Swift Property** parcel B16-01-17 915 Union Street 25+/- Acres Open Space/Recreation  
\$727,363 is appropriated for all costs associated with the acquisition of parcel B16-01-17 – 915 Union Street as shown on the map on file in the Town Clerk's office; that to meet this appropriation: \$410,888 shall be transferred from the Community Preservation Open Space Reserve; and \$316,475 shall be transferred from the Community Preservation fund Balance; that the Board of Selectmen is authorized to grant a permanent deed restriction meeting the requirements of Chapter 184 of the General Laws limiting the property to the purpose for which it was acquired and that the Board of Selectmen is authorized to take any other action necessary to carry out this project which will include welcoming signage and primitive parking for 4 cars.

– Passed by 2/3 vote

**\$50,000 Bennett Property** parcel L05-31-25 Careswell Street 15+/- Acres Open Space/Recreation  
\$50,000 is appropriated for all costs associated with the acquisition of parcel L05-31-25 – Careswell Street as shown on the map on file in the Town Clerk's office; that to meet this appropriation \$50,000 shall be transferred from the Community Preservation Fund Balance; that the Board of Selectmen is authorized to grant a permanent deed restriction meeting the requirements of Chapter 184 of the General Laws limiting the property to the purpose for which it was acquired; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project.

- Passed by 2/3 vote

**\$544,000 "Buckles & Boards"** parcels G08-05-04 , G08-05-05 2148 Ocean Street  
1.48 +/- Acres Open Space/Recreation  
\$544,000 is appropriated for all costs associated with the acquisition of parcels G08-05-04 and G08-05-05 – 2148 Ocean Street as shown on the map on file in the Town Clerk's office; that to meet this appropriation: \$544,000 shall be transferred from the Community Preservation Fund Balance; that the Board of Selectmen is authorized to grant a permanent deed restriction meeting the requirements of Chapter 184 of the General Laws limiting the property to the purpose for which it was acquired and that the Board of Selectmen is authorized to take any other action necessary to carry out this project.

- Passed by 2/3 vote (196 YES – 90 NO)

**ARTICLE 3** The Town **VOTED** to appropriate \$50,000 from the FY09 tax levy to fund a comprehensive subsurface investigation at 1896 Ocean Street (former Gulf/Texaco service station) including a review of adjacent properties as follows:

1874 Ocean Street – adjacent property, 1900 Ocean Street – adjacent property,

1933 Ocean Street – Property across the street potentially up gradient

Comprehensive subsurface investigation shall include all testing, DEP compliance reporting and notification, sampling and investigations to determine what actions are necessary to render the property useable without any contamination over acceptable EPA standards.

**ARTICLE 4** The Town **PASSED OVER** voting the sum of \$1,850,000 for the purpose of constructing pier improvements that consist of a new Harbormaster Facility, a new unloading facility and a pier extension with associated floats, said appropriation to include without limitation, all costs thereof and to meet said appropriation the Treasurer with approval of the Board of Selectmen is authorized to borrow the sum of money appropriated hereunder in accordance with Mass General Laws Chapter 44 and said appropriation and borrowing to be conditional on the receipt of a grant through the Seaport Advisory Council (SAC) Seaport Bond bill.

**ARTICLE 5** The Town **VOTED** to appropriate \$1,653.10 from the FY09 tax levy for payment of unpaid bills incurred during the previous fiscal years.

**– Passed by 9/10 vote**

<b>Department</b>	<b>Vendor</b>	<b>Amount</b>
School	Alexandra Eaton	\$1,015.92
School	Clare McNally	\$516.98
Police	Peter DeWire, M.D.	\$55.97
DPW	James Jackson	\$64.23

**ARTICLE 6** The Town **VOTED** pursuant to M.G.L. c. 82A§2, vote to authorize and designate the Board of Public Works to designate the Board or Officer to issue permits for the purpose of creating a “trench” as that term is defined by M.G.L. c. 82A §4 and 520 CMR 14.00.

**ARTICLE 7** The Town **VOTED** that the charge for each written demand issued by the Collector a fee of \$5.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective for fiscal year 2009 and forward.

**ARTICLE 8** The Town **VOTED** to appropriate the sum of \$200,000 to acquire ownership in fee simple of Lot#G10-03-03 #318 Main Street to protect the Furnace Brook Aquifer well field drinking water source; that to meet this appropriation \$200,000 shall be transferred from the Water Enterprise Retained Earnings Account; that the Board of Public Works, with the approval of the Board of Selectmen, is authorized to acquire such land on behalf of and in the name of the Town and to take any action relative thereto and to accept a Drinking Water Supply Protection Grant from the State Executive Office of Environmental Affairs, the proceeds of which shall be transferred to the Water Enterprise Retained Earnings account; that the Board of Selectmen is authorized to grant a permanent deed restriction meeting the requirements of Chapter 184 of the General Laws limiting the property to the purpose for which it was acquired; that said parcel shall be subject to the provisions of Article 97 of the State Constitution; and that the Board of Selectmen and Board of Public Works be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments necessary to effectuate the purpose of this vote, to incur legal or other costs related with the acquisition of such property and to take any other action necessary to carry out this project

**ARTICLE 9** The Town **VOTED** to appropriate \$ 26,000 to be used for the removal of the so called Parco Valve pump start/stop control for Furnace Brook Well #2 and replacing it with a Variable Frequency Drive as part of the UV system installation and to meet the cost of such appropriation by transferring \$26,000 from Water Retained Earnings.

**ARTICLE 10** The Town **PASSED OVER** amending the vote of the Town passed April 24, 2007 (Article 4) to reduce the appropriation and borrowing authorization of \$360,000 for the purpose of the Telegraph Hill Drainage to \$179,000 and to change the purpose of the remaining \$181,000 of the original appropriation and borrowing authorization to the Rexhame/Fieldston drainage ditch reconstruction and culvert replacement.

**ARTICLE 11** The Town **PASSED OVER** appropriating \$150,000 by borrowing and to meet such appropriation to authorize the Treasurer with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose as authorized by M.G.L. Chapter 44 or any other enabling authority, the Town's 50% matching share, for the U.S. Army Corps of Engineers to conduct a Hurricane and Storm Damage Reduction Feasibility Study for the Fieldston and Brant Rock sections of Marshfield.

**ARTICLE 12** The Town **PASSED OVER** approving the decision of the Board of Public works to allocate \$300,000 of available Chapter 90 funds for the purpose of reconstructing sidewalks and curbing in Snow Road.

**ARTICLE 13** The Town **PASSED OVER** authorizing the acquisition by eminent domain under the provisions of Chapter 79 of the Massachusetts General Laws with no land damages to be paid therefor, of a certain parcel of land on the northeasterly side of Snow Road containing approximately 255 square feet.

**ARTICLE 14** The Town **VOTED** to authorize the expenditure of \$126,250 from Insurance Recovery Proceeds to replace the excavator that was submerged in the Avon Street Marsh on April 7 & 8, 2008 and declared a total loss by the Town's Insurer.

**ARTICLE 15** The Town **VOTED** to **WITHDRAW** the article transferring \$100,461 to restore funding for salaries for positions lost by the DPW in the Fiscal Year 2009 budget.

**ARTICLE 16** The Town **DEFEATED** appropriating \$40,000 for construction, renovation, expansion of Ventress Memorial Library. All construction, renovation and expansion to be limited to \$40,000 for completion of the entire project. – **Defeated 107 YES-138 NO**

**ARTICLE 17** The Town **DEFEATED** adopting the following addition to the Zoning Bylaws:  
**Defeated 134 YES-70 NO (2/3 vote required for passage)**

Section 12.03 – Sustainable Development

The purpose of this Section is to create means and methods to review land use proposals and avoid overburdening the Town's natural resources or capacities of existing and planned public services and facilities, particularly with respect to provision of potable water, wastewater disposal, solid waste disposal and the provision of emergency and other services.

1. The proponent of any residential development permitted under existing bylaws, excluding developments of 6 (six) or fewer residential units to be constructed without variances from existing bylaws, shall be required to submit figures on projected demands upon services and schools. These projections shall include numbers and types of police and fire responses to the proposed development on an annualized basis. The standards for the form, content and basis of the projections shall be according to requirements and standards developed by the Permit Granting Authority in cooperation with the heads of the departments and the department of public works. This data shall be made available by the proponent to the Permit Granting Authority in a timely fashion during the application process so that it is available for review by any department or agency of the town from which binding or advisory opinions are sought from the Permit Granting Authority. Failure to comply shall constitute a violation of the Bylaws.

**ARTICLE 18** The Town **VOTED** to appropriate the amount of \$5,000 from the FY09 tax levy to provide for supporting the action of the complaint filed by the town at and listed in Plymouth Superior Court as Civil Action No. PLVC 2007-1279 B regarding what has come to be known as the "Beacon 40B" project on Ocean Street in Rexhame? Said funds to be used and with the aim of providing for: the protection and preservation of recognized state-listed endangered species and their habitats; wetlands, vernal pools and appropriate protection and management of Flood Plains, as defined by local ordinances and the state and federal government; and the pursuit of any other concerns of the town or objectives under jurisdiction of the Massachusetts Wetlands Protection Act and Endangered Species Act, or any other related concerns, stemming from the referenced Matter. This action to be conducted in cooperation with the Party of the Petitioners of the ongoing Ten Resident Appeal of record and the Residents' Complaint filed in Plymouth Superior Court in the Matter.